

**NOTICE OF FORECLOSURE SALE**

FILED FOR RECORD

2023 JUL 10 PM 12:02

THEILSA GARRASCO  
ATASCOSA COUNTY CLERK  
BY *K. Sumner* DEPUTY

Notice is hereby given of a public non-judicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HERE OF

2. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: August 1, 2023

Time: The sale shall begin no earlier than 10:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Place: ATASCOSA County, at the west porch to the Atascosa County Courthouse in Jourdanton, Texas, or at the location and address designated by the Commissioners Court of said county, pursuant to 51.002 of the Texas Property Code as the location and address where the sale is to be held. The sale shall take place in the area designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place where the Notice of Trustee's Sale was posted.

3. Terms of Sale: The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold. If a purchaser desires to pay with cashier's checks, they should be made payable to Anderson Vela, L.L.P. or endorsed in accordance with the instructions by the Trustee. The purchase price in a sale held by the undersigned herein is payable immediately on acceptance of the bid by the undersigned trustee or substitute trustee. The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee. If the Foreclosure Sale is passed, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

4. The Deed of Trust may encumber both real and personal property. Notice is hereby given of Holder's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with the Holder's rights and remedies under the Deed of Trust and Section 9.604 of the Texas Business and Commerce Code.

5. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the deed of trust. Prospective bidders are advised to conduct an independent investigation of the property.

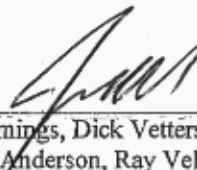
Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

6. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust/Security Instrument ("Deed of Trust") executed by Shawna Rose and Donovan Garcia ("Debtor"). Said Deed of Trust secures a Promissory Note/Loan Agreement, and any renewals, extensions or modifications thereof, dated March 20, 2013 and executed by Debtor in the Original Principal Amount of \$234,978.00. The current beneficiary of the Deed of Trust is U.S. Bank National Association not in its individual capacity but solely as Legal Title Trustee for RMTP Trust, Series 2021 BKM-TT-V, 15480 Laguna Canyon Road Suite 100, Irvine, CA 92618. The Deed of Trust is dated March 20, 2013, designating Steve Holmes Law Firm, P.C. as the Original Trustee and is recorded in the office of the County Clerk of ATASCOSA County, Texas, under Instrument No. 140286 as Modified under Inst. No. 144262 as Modified under Inst. No. 160304, as Modified under Inst. 199630 as Modified under Inst. No. 227969 as Modified under Inst. No. 231762, of the Real Property Records of ATASCOSA County, Texas. The foreclosure of this mortgage is being administered by a mortgage servicer representing the mortgagee under a servicing agreement. Questions concerning the sale may be directed to the undersigned, Richard E. Anderson, 4920 Westport Drive, The Colony, Texas 75056, who sent this notice, or to the mortgage servicer, Rushmore Loan Management Services, 15480 Laguna Canyon Road Suite 100, Irvine, CA 92618.

7. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

8. **Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.**

DATED July 10, 2023

  
Mark Cummings, Dick Veters, Jason West,  
Richard E. Anderson, Ray Vela or Cesar DeLaGarza

4920 Westport Drive.  
The Colony, Texas 75056  
214.276.1545 - telephone  
214.276.1546 - facsimile  
Substitute Trustees

#### METES & BOUNDS DESCRIPTION

OF A 15.00 ACRE TRACT OF LAND OUT OF THE E.C. RUTLEDGE SURVEY NO. 47, ABSTRACT NO. 1136, ATASCOSA COUNTY, TEXAS, BEING A PORTION OF A CALLED 41.71 ACRE TRACT AS DESCRIBED IN WARRANTY DEED FROM WESLEY HEATHCOCK ET UX TO JOHN PHILIP MURPHY ET UX RECORDED IN VOLUME 296, PAGE 427, DEED RECORDS OF ATASCOSA COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a set 1/2" iron rod at fence corner in the southerly R.O.W. line of E. Ditto Rd. (a Variable Width Public R.O.W.) for the northeast corner of the herein described tract;

**THENCE** leaving said R.O.W., generally along a fence, South 29°15'29" West, a distance of 884.22 feet to a fence corner post for the south corner of the herein described tract, said post being in the common boundary of said 41.71 Acre Tract and a called 28.94 acre tract as conveyed to Irving R. Akers in Doc. No. 114657, Official Public Records of Atascosa County, Texas;

**THENCE** along and with said boundary, North 60°50'27" West, a distance of 677.94 feet (called North 60°05'00" West) to a set 1/2" iron rod for the west corner of the herein described tract;

**THENCE** leaving said boundary, into and across said 41.71 Acre Tract, generally along a fence, North 14°12'56" East, a distance of 732.22 feet to a fence corner post for the northwest corner of the herein described tract;

**THENCE** South 60°50'27" East, a distance of 267.80 feet to a set 1/2" iron rod for an angle point of the herein described tract;

**THENCE** North 29°15'29" East, a distance of 177.53 feet to a set 1/2" iron rod in fence line in the southerly R.O.W. line of said E. Ditto Rd. for the north corner of the herein described tract;

**THENCE** along and with said R.O.W., generally along a fence, South 60°46'05" East, a distance of 600.17 feet (called South 60°00'00" East) to the **POINT OF BEGINNING** and containing 15.00 acres, more or less.

**BASIS OF BEARING: TEXAS SOUTH CENTRAL NAD 83**